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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91223663
Party	Plaintiff Salt Life, LLC
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of trademark application **Serial No. 86/592,650**

Salt Life, LLC)	
)	
Opposer,)	Opposition No. 91223663
)	
)	Serial No. 86/592,650
v.)	
)	Mark: SALT PRO
Vincent Giovannetti)	
)	
)	
Applicant.)	

AMENDED NOTICE OF OPPOSITION

In accordance with Rule 15(a)(1)(B) of the Federal Rules of Civil Procedure, Salt Life, LLC (“Opposer”), a limited liability company organized under the laws of Georgia having a place of business at 322 South Main Street, Greenville, SC, 29601, files an Amended Notice of Opposition in the above-referenced matter.

Opposer will be damaged by registration of U.S. Application Serial No. 86/592,650 for the alleged mark SALT PRO for “Board shorts; Hats; Sweaters; T-shirts; Tank tops” in International Class 025, filed by Vincent Giovannetti (“Applicant”) on April 9, 2015, and hereby opposes registration of the same pursuant to § 13 of the Lanham Act (15 U.S.C. § 1063).

As grounds in support of its Amended Notice of Opposition, Opposer asserts as follows:

1. Upon information and belief, Vincent Giovannetti is the owner of U.S. Trademark Application Serial No. 86/592,650 (“the ‘650 application”), filed on April 9, 2015, for the


alleged mark SALT PRO for “Board shorts; Hats; Sweaters; T-shirts; Tank tops” in International Class 025.


2. Upon information and belief, the ‘650 application was filed on a use in commerce basis.

3. The ‘650 application was published for opposition on September 1, 2015 in the *Official Gazette* of the United States Patent and Trademark Office.

4. Since long prior to the April 9, 2015 filing date of the ‘650 application, the alleged first use date of June 22, 2014 set forth in the ‘650 application, and the alleged first use in commerce date of December 31, 2014 set forth in the ‘650 application, Opposer and/or its predecessors in interest have used, advertised, and promoted the mark SALT LIFE as a trademark, service mark, and/or have analogous usage in a trademark or service mark sense or alternatively in a trade name sense, or use analogous to trademark, service mark or trade name usage, in commerce and/or in interstate commerce, in connection with various products related to the field of clothing and apparel and in connection with other products and/or services.

5. Opposer owns extensive common law rights to its SALT LIFE marks. Opposer also owns United States trademark registrations on the principal register for its SALT LIFE marks, including at least the following United States trademark registrations.

Trademark	U.S. Trademark Registration No.	Filing Date	Date of First Use in Commerce	International Class & Goods/Services
	3,762,960	August 6, 2009	October 2003	Class 16: Stickers Class 25: Caps, shirts, surf wear.

SALT LIFE	4,324,994	June 7, 2011	February 2013	Class 25: Clothing and Apparel, namely jackets, pants, shoes, and sandals.
SALT LIFE	2,959,429	September 4, 2003	October 2003	Class 25: Clothing and apparel, namely, caps, shirts, T-shirts, bathing suits, Bermuda shorts, walking shorts, swim trunks, caps with visors, visors, fleece pullovers, sweat shirts, surf wear.
SALT LIFE	4,627,064	March 22, 2013	October 2003	Class 25: Clothing, namely, hats, caps, shirts, T-shirts, shorts, swim trunks, visors, fleece pullovers, sweat shirts, surf wear, jackets, pants, bandanas, sun sleeves, dresses and footwear.
	4,562,190	October 9, 2012	January 2007	Class 25: Clothing, namely, shirts, sweat shirts and caps.

6. The registrations referenced above are valid and subsisting, in full force and effect, and constitute *prima facie* and/or conclusive evidence of Opposer's exclusive right to use the marks in commerce in connection with the goods specified in the registrations.

7. Opposer has priority of use in all respects for its SALT LIFE marks relative to Applicant's alleged SALT PRO mark set forth in the '650 application as used in conjunction with various products and services, including clothing, caps, shirts, T-shirts, Bermuda shorts, surf wear and other products and services.

8. Opposer's SALT LIFE marks are inherently distinctive and have acquired distinctiveness through the long, continuous, and exclusive use of the SALT LIFE marks so that consumers associate the SALT LIFE marks with a single source.

9. Opposer and its predecessors have generated significant revenue through the sale of products bearing the SALT LIFE marks to consumers across the U.S.

10. Opposer and its predecessors have made substantial investment in advertising, marketing, and promoting Opposer's goods under Opposer's SALT LIFE marks. Opposer and its predecessors have extensively used, advertised, promoted, and offered Opposer's goods bearing Opposer's SALT LIFE marks to the public through various channels of trade in commerce. Accordingly, Opposer's customers and the public in general have come to know and recognize Opposer's SALT LIFE marks and to associate the same with Opposer and/or the goods sold by Opposer.

11. Opposer and its predecessors have sold and offered for sale goods, including clothing, bearing the SALT LIFE marks in a trading area of broad geographical scope encompassing the United States, including its territories.

12. The SALT LIFE marks are symbolic of the extensive goodwill and consumer recognition that Opposer has established through substantial expenditures of time, effort and other resources in the advertising and promotion of the goods Opposer sells and offers for sale under the SALT LIFE marks.

13. As a result of Opposer's regular, extensive, and well-publicized use, as well as the above-mentioned advertising, marketing, promotion, and sales, Opposer's SALT LIFE marks have become famous and are associated exclusively with Opposer and its high quality goods. Indeed, Opposer's marks have become famous within the meaning of 15 U.S.C. § 1125(c) prior to the April 9, 2015 filing date of the '650 application, the alleged first use date of June 22, 2014 set forth in the '650 application, and the alleged first use in commerce date of December 31, 2014 set forth in the '650 application.

14. Applicants' alleged SALT PRO mark is confusingly similar in sound, appearance, connotation, and overall commercial impression to Opposer's SALT LIFE marks. For instance, a side-by-side comparison of the SALT PRO mark and one of the SALT LIFE marks is below.



15. The goods identified under International Class 25 in the ‘650 application are identical to or closely related to the goods with which Opposer uses its SALT LIFE marks. For instance, “Board shorts; Hats; Sweaters; T-shirts; Tank tops” as identified in the ‘650 application are identical to or closely related to Bermuda shorts, swim trunks, caps, fleece pullovers, shirts, T-shirts, and other products and services offered by Opposer in conjunction with the SALT LIFE marks.

16. Applicants’ SALT PRO mark so resembles Opposer’s SALT LIFE marks that registration and use of the SALT PRO mark sought to be registered by Applicants in the ‘650 application is likely to cause confusion, mistake or to deceive consumers and lead consumers to believe Applicants’ goods and services as designated are goods and services of Opposer, or in some way backed by, sponsored by, franchised by, approved by, associated with, or otherwise connected with the good name and reputation of Opposer, to the damage and injury of the public, and to the damage and injury of Opposer and its goodwill in its SALT LIFE marks. Registration of the ‘650 application is thus precluded under Section 2(d) of Lanham Act (15 U.S.C. § 1052(d)).

17. Applicants’ SALT PRO mark so resembles Opposer’s SALT LIFE marks that registration and use of the SALT PRO mark sought to be registered by Applicants in the ‘650 application will cause dilution of the distinctive qualities of Opposer’s SALT LIFE marks by blurring Opposer’s SALT LIFE marks from association with a single source, namely Opposer. Such dilution will likely cause damage and injury to Opposer and its goodwill in its SALT LIFE marks. Registration of the ‘650 application is thus precluded under Section 13 and Section 43(c) of the Lanham Act (15 U.S.C. §§ 1063; 1125(c)).

WHEREFORE, Opposer believes it will be damaged by registration of Applicant's SALT PRO mark and prays that the present Amended Notice of Opposition be granted and that registration of the '650 application be denied.

Respectfully submitted,

DORITY & MANNING, P.A.

Date: October 8, 2015

/s/ J. Parks Workman
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CERTIFICATE OF SERVICE

I hereby certify that on **October 8, 2015**, I served a true and complete copy of the foregoing **AMENDED NOTICE OF OPPOSITION** on Applicant via First Class Mail, postage prepaid as follows:

Anthony M. Verna, Esq.
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/s/ J. Parks Workman
J. Parks Workman